

REMARKS / ARGUMENTS

This Amendment and Response to Office Action is filed in response to the Office Action of October 2, 2002, which rejected all of the presently pending claims 60-87 for the specification's alleged failure to fulfill the written description requirement under 35 U.S.C. § 112. Applicant respectfully submits that the Examiner has not considered the incorporation of subject matter by reference in the present case, and that when the incorporated-by-reference subject matter is considered, it is clearly established that the inventors were in possession of the inventions claimed.

In response to the Examiner's particular comments on certain claimed elements, Applicant responds as follows:

1. **Additive Primary Color Spectrum and Subtractive Primary Color Spectrum**

At least U.S. Patent No. 5, 751, 384, incorporated by reference in the present application, clearly describes what was understood to comprise on an "additive primary color spectrum" and a "subtractive primary color spectrum." For example, column 6, lines 34-38 emphasize that the '384 patent teaches "a method for designing structures for the effective isolation of an additive primary color (red, green or blue) from its [sic] complementary subtractive primary color (cyan, magenta or yellow. [The] PRS thus provides orthogonally polarized additive and subtractive primary colors from input unpolarized white light." The '384 patent thereafter proceeds to describe in significant detail the application of retarder stacks to achieve these claimed elements, and accordingly these features are amply described by the '384 patent, which was incorporated by reference in the present application. Further, this incorporation by reference of the '384

subject matter may be used to satisfy the requirements of 35 U.S.C. § 112 in the present application. *See M.P.E.P. § 608.01(p).*

2. 'Number, retardance and orientation' of retarders to achieve selective results.

As with the “additive primary color spectrum” and the “subtractive primary color spectrum,” the ‘384 patent provides ample and sufficient written description of the selection of the “number, retardance and orientation of the retarders” to achieve the selective results.” Specifically, column 1, line 1 through column 10, line 32 of the ‘384 patent sets forth network synthesis and design techniques by which the optical performance of a stack of N retarders can be determined. In reviewing the network synthesis and design techniques set forth in the ‘384 patent, one of ordinary skill in the art could clearly see that the inventors were in possession of the claimed inventions, particularly as those inventions related to the selection of a number, retardance, and orientation of the retarders comprised in a retarder stack.

Even beyond the description of the network synthesis and design techniques described above, the inventors provided guidance as to the selection of materials (‘384, 10:34 - 12:27) as well as a generous description of specific design examples (‘384 patent, 12:11 - 22:17). Still further design guidance can be gleamed from the description of the exemplary systems into which such PRS designs can be implemented (‘384 patent, 22:20 - 26:35).

In light of at least the substantial technical description of the design of PRS’s and systems employing PRS’s in the ‘384 patent, particularly including the ‘384 patent’s discussion of additive and subtractive primary color spectra and the selection of the number, retardance, and orientation of the retarders in a PRS to achieve selective results, the written description requirement under 35 U.S.C. § 112 is clearly satisfied in the present case.

CONCLUSION

In view of the foregoing comments, Applicants respectfully request reconsideration and allowance of all claims. Applicants believe that all necessary fees are enclosed with this response. In the event, however, that any additional fees are required to complete this filing, the Commissioner is authorized to charge those fees, or credit any overpayment, to Account No. 13-0480, Attorney Docket No. 95121961.114002RCE.

If Examiner has any questions regarding this Amendment and Response to Office Action or the Application in general, Examiner is invited to contact the Applicants' attorney at the below-listed telephone number.

Respectfully submitted,



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